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FM AMEMBASSY TUNIS
TO RUEHC/SECSTATE WASHDC PRIORITY 2773
INFO RUCNMGH/MAGHREB COLLECTIVE PRIORITY
RUEAWJA/DEPARTMENT OF JUSTICE WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

S E C R E T TUNIS 000259

SIPDIS

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STATE FOR NEA/FO (GRAY) NEA/MAG (HOPKINS AND HARRIS) AND
S/WCI (WILLIAMSON, MORRISON AND MUBANGU)
NSC FOR CAMPONOVO
DOF FOR MONHEIM
DOD FOR LIOTTA

E.O. 12958: DECL: 02/25/2017

TAGS: [PTER](#) [KAWC](#) [PINR](#) [TS](#)

SUBJECT: MFA DIPNOTE ON DETAINEES: SAME ASSURANCES, POC
IDENTIFIED

REF: A. TUNIS 257

- [1](#)B. TUNIS 193
- [1](#)C. TUNIS 139
- [1](#)D. SECSTATE 10683
- [1](#)E. TUNIS 65
- [1](#)F. 06 TUNIS 02814

Classified By: Ambassador Robert F. Godec for reasons 1.4
(b) and (d)

[1](#)1. (S/NF) On February 26, Post received a MFA diplomatic note responding to Embassy's note of February 5 requesting specific assurances regarding the proposed transfer of Tunisian detainees at Guantanamo Bay and information regarding detainee Lotfi Bin Swei Lagha. The MFA reiterated the position conveyed in its January diplomatic note (Ref E) regarding assurances and access, noted that detainee Lagha faces charges in Tunisia, confirmed none of the detainees have been sentenced to death, and names a GOT POC at the Ministry of Interior for the proposed transfer.

[1](#)2. (U) Post's unofficial translation of the note follows:

Begin Text:

Tunis, February 22, 2007

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America in Tunis, and in reference to the Embassy's Note Verbale No. 258 of February 5, 2007 regarding Tunisian detainees currently held at the Guantanamo Bay Naval Base in Cuba, as well as in reference to discussions that have taken place between Tunisian officials and their American counterparts, has the honor to inform that (the Ministry):

[1](#)1. Reiterates its position stated in its January 11, 2007 Note Verbale D.C.T. No. 1157/07 relative to the treatment that will be given to Tunisian detainees and access/visitation to them.

[1](#)2. Informs the Embassy, in response to its question as to whether sentences have been pronounced against Lotfi Ben Souii Lagha, that a rogatory commission was ordered by the dean of examining magistrates attached to the tribunal of the first magistrates court (Court of First Instance) of Tunis,

and listed under the number 6486 dated November 16, 2006, that Lofti Ben Souii Lagha is the object of judicial proceedings in the case number 1/7053 currently in process for "incitement to commit terrorist offenses, or adhesion to an organization or entity linked to terrorist offenses."

¶3. Informs the Embassy that no death sentence has been pronounced against the Tunisian detainees. However, sentences of 10 to 40 years of imprisonment have been pronounced against them by the permanent military tribunal or the Court of First Instance of Tunis.

¶4. Informs the Embassy that Mr. Tahar Fellous Refai, Director General of External Relations and International Cooperation at the Ministry of Interior and Local Development, has been designated as point of contact on the Tunisian side for the logistical arrangements related to the operations of the transfer to Tunisia of Tunisian detainees of the Guantanamo Base.

Honorary Closing.

End Text.

¶3. (S/NF) COMMENT: Based on this diplomatic note and other comments made by GOT officials, Post believes that the transferred detainees will enter Ministry of Interior custody upon their return to Tunisia. Post will seek a meeting with Fellous to try to seek specific details about how the GOT, and MOI in particular, intends to process the detainees upon their return. If necessary, Ambassador will seek a meeting with Minister of Interior Rafik Belhaj Kacem to press for oral assurances regarding access and treatment. However, given ICRC information (Ref A), Post believes there is a significant likelihood (i.e., more likely than not) that the detainees would be mistreated during the period they are in MOI custody. Post also notes the ICRC reported it does not have access to MOI facilities. END COMMENT.

GODEC